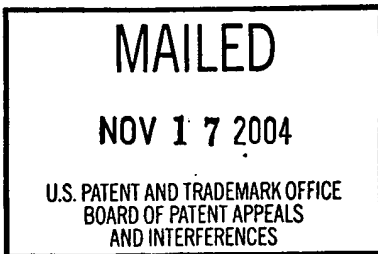


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte VIKTORS BERSTIS

Application No. 09/466,438

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 30, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Appeal Brief concurrently with a Notice of Appeal on August 28, 2003 (Papers No. 10 and 9 respectively). It appears that the filing fee for the brief has not been properly charged as required by 37 CFR 1.192(a). There are three fee

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stamp notations on the cover sheet of the brief all dated 8/29/03 and reflecting a \$160 amount. Two of them have been red-lined through and appear to be voided transactions. However, one of the notations is free and clear and seems to indicate that a charge of \$160 for the brief payment has been applied. There is no record of this charge in the United States Patent and Trademark Office electronic accounting database for this transaction. It is noted that appellant does not appear to be a small entity and even if a \$160 charge has been applied, the fee still needs to be adjusted for a large entity applicant.

In addition, the Information Disclosure Statement (IDS) filed March 27, 2000 was not signed and the date considered was not noted. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner for

(1) the examiner to have the matter of payment of the Appeal Brief filing fee corrected as required,

(2) signing and entering the date of consideration of the IDS filed March 27, 2000 (Paper No. 2), notification to appellants in writing of consideration and

(3) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW
Program and Resource Administrator
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